

### **REMARKS**

In view of the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

### **ALLOWABLE CLAIMS 5-31 AND 33-37**

Applicants appreciate the indication on page 2, numbered paragraph 1 of the Office Action that claims 5-31 and 33-37 contain allowable subject matter. Specifically, claims 5-31 and 33-37 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

### **REJECTIONS OF CLAIMS 1-4 AND 32 UNDER 35 U.S.C. 103(a)**

Claims 1-4 and 32 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Published Patent Application No. 2003/0183854 to Kato *et al.* (hereinafter "Kato") in view of U.S. Patent No. 6,503,782 to Casady *et al.* (hereinafter "Casady"). Applicants traverse the rejection with respect to these claims.

In the Office action, on page 2, numbered paragraph 3, the Examiner admits that Kato fails to disclose the two different channel thicknesses disclosed in independent claim 1 of the present application. The Examiner alleges that Casady discloses the claimed feature and asserts that independent claim 1 is unpatentable over Kato in view of Casady. .

A prima facie obviousness rejection requires evidenced motivation from something in the record that would lead one skilled in the art to combine the relevant teachings, again noting that the mere fact that the prior art may be modified in a particular manner does not make the modification obvious unless the prior art suggested the desirability of that modification. The Examiner must explain the reasons that one of ordinary skill in the art

would have been motivated to select the references and to combine them to render the claimed invention obvious. In re Rouffet, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998).

Kato sets forth a semiconductor having a metal-oxide-semiconductor (MOS) transistor (Figs. 26A – 26E, page 13, paragraphs 0216 – 0220 of Kato), which is a completely different transistor operating with a different structure and principles than the junction field effect transistor (JFET) disclosed in Casady (Fig. 3, column 4, lines 25-32. Accordingly, no motivation to combine the references is found in either reference, and any motivation to combine the same can only come from the present disclosure.

The rejection is based on a forced combination of two unrelated devices, where the underlying rationale for the combination of the same would only appear to be derived from an attempt to disclose the presently claimed invention in a piece-meal manner, when the two would not have been combined otherwise. Although there may be advantages to Casady, there must be some need or desire set forth for the same to be introduced into Kato. In addition, as recited in MPEP § 2143.01, a proposed modification cannot change the principle of operation of a reference.

References cannot be combined where a reference teaches away from their combination. MPEP § 2143.01. Casady discloses fabricating an integrated circuit having at least two junction field effect transistors and “teaches away” from forming the integrated circuit formed with MOS-type transistors, as disclosed in Kato. Casady recites: “... the reliability of the MOS system in silicon and SiC is suspect under extreme temperature and high radiation environments, which are both applications of great interest for SiC devices. ... Also, the JFET structure is more resistant than the MOSFET to damage or destruction as a result of electrostatic discharge or spikes in the input voltage signal. ... Further, it is possible to fabricate complementary logic structures using SiC JFETs by varying the pinchoff voltage from negative to positive via channel thickness control.” Casady, column 1, lines 25-

62.

Therefore, without citing any motivation to combine the references, the Examiner's assertion that "it would have been obvious to one of having ordinary skill in the art at the time the invention was made to include the required two channels with different thicknesses in Kato et al. as taught by Casay et al. [sic] in order to have a liquid crystal display device with increased performance and reliability" amounts to no more than a conclusory statement and does not render independent claim 1 of the present application obvious.

Therefore, for at least the reasons discussed above, independent claim 1 of the present application patentably distinguishes over the combination of Kato and Casady. Accordingly, it is respectfully requested that the rejection of independent claim 1 be withdrawn.

Claims 2-4 and 32 depend from independent claim 1 and are patentable for at least the reasons discussed above. Accordingly, it is respectfully requested that the rejections of claims 2-4 and 32 be withdrawn.

It is respectfully requested that this amendment be entered prior to the examination of the above-referenced patent application. Applicants respectfully submit that the claims as presented are patentable over the prior art of record, request reconsideration and withdrawal of the objections and rejections to the claims, and request that the claims be passed to issuance. If the Examiner desires any additional information, the Examiner is invited to contact applicants' attorney at the telephone number listed below to expedite prosecution.

### **CONCLUSION**

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for


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rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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